

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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MICHAEL O. LIVINGSTONE,

Plaintiff,

v.

HADDON POINT MANAGER, LLC,  
*et al.*,

Defendants.

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Civil No. 19-13412 (RBK/AMD)

**ORDER**

**KUGLER**, United States District Judge:

**THIS MATTER** coming before the Court upon Plaintiff Michael Livingstone's ("Plaintiff") Motion for Default Judgment (ECF No. 62); and

**THE COURT NOTING** that Plaintiff submitted his Motion for Default Judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) on March 30, 2021 (ECF No. 62); and

**THE COURT FURTHER NOTING** that Plaintiff included a letter requesting the Clerk of the Court enter "default judgment" against Defendants attached to his Motion for Default Judgment (ECF No. 62-4); and

**THE COURT FURTHER NOTING** that "the entry of default is an essential predicate to any default judgment." *DeTore v. Loc. No. 245 of Jersey City Pub. Emp. Union*, 511 F. Supp. 171, 176 (D.N.J. 1981); *see also Limehouse v. Delaware*, 144 F. App'x 921, 923 (3d Cir. 2005) ("[T]he District Court properly denied the motion because [the plaintiff] failed to obtain entry of default prior to seeking a default judgment."); *Lancaster v. New Jersey Transit Corp.*, No. 20-

1995, 2021 WL 4473114, at \*6 (D.N.J. Sept. 30, 2021) (“Given Plaintiff had not received an entry of default by the Clerk of Court against Defendants prior to filing his Motion for Default Judgment, the Court must deny such request.”); *Paris v. Pennsauken Sch. Dist.*, No. 12-7355, 2013 WL 4047638, at \*5 (D.N.J. Aug. 9, 2013) (“It is well established that, in order to receive a judgment of default pursuant to Rule 55(b)(1) or 55(b)(2), a party must first obtain entry of a default from the Clerk of Court.”); and

**THE COURT FURTHER NOTING** that Plaintiff did not obtain an entry of default from the Clerk of the Court prior to filing his Motion for Default Judgment; therefore

**IT IS HEREBY ORDERED** that Plaintiff’s Motion for Default Judgment (ECF No. 62) is **DENIED**.

Dated: 11/8/2021

  
ROBERT B. KUGLER  
United States District Judge